

**BEFORE THE UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

IN RE: GOOGLE DIGITAL ADVERTISING ANTITRUST LITIGATION	MDL No. 3010
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**KLEIN ADVERTISERS’ MOTION TO VACATE
CONDITIONAL TRANSFER ORDER (CTO-7)**

Pursuant to 28 U.S.C. §1407 and Rule 7.1(f) of the Rules of Procedure for the Judicial Panel on Multidistrict Litigation, Plaintiffs Affilious, Inc., Jessyca Frederick, Mark Young, Joshua Jeon, 406 Property Services, PLLC, Mark Berney, and Katherine Looper (“Advertisers”) respectfully request the Panel to vacate the conditional transfer order (“CTO-7”) seeking to sever and transfer their claims in *Klein, et al. v. Meta Platforms, Inc.*, No. 5:20-cv-08570-JD (N.D. Cal.) (the “Advertiser Claims”) to the Google Digital Advertising Antitrust MDL, *In re: Google Digital Advertising Antitrust Litigation*, No. 1:21-md-03010-PKC (S.D.N.Y.) (the “Google MDL”).

As set forth in Advertisers’ brief in support of this Motion, these claims should not be severed and transferred to the MDL because none of the factors under 28 U.S.C. §1407(a) support transfer of the Advertiser Claims, as:

- (1) the Advertiser Claims and Google MDL do not share a common factual core and concern different relevant markets, different competitors, different antitrust harm, and different proposed classes;
- (2) transfer is inconvenient for the parties and witnesses, as a majority of the parties and potentially relevant witnesses are in California; and
- (3) transfer will not promote just and efficient conduct and will instead delay prosecution of the Advertiser Claims, expand and complicate the Google MDL, and reward forum shopping by Meta Platforms, Inc.’s attorneys.

In accordance with Rule 6.1(b)(iv) of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, a copy of the Consumer complaint and docket sheet are filed concurrently herewith. Advertisers' first amended complaint, the subject of CTO-7, has already been placed on the docket sheet of the Judicial Panel of Multidistrict Litigation under seal at ECF No. 166. *See also* ECF No. 167 (minute order granting motion to file under seal).

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Respectfully submitted,
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